Compliance and Enforcement Summary Report

Hazardous Waste and Toxics Reduction Program
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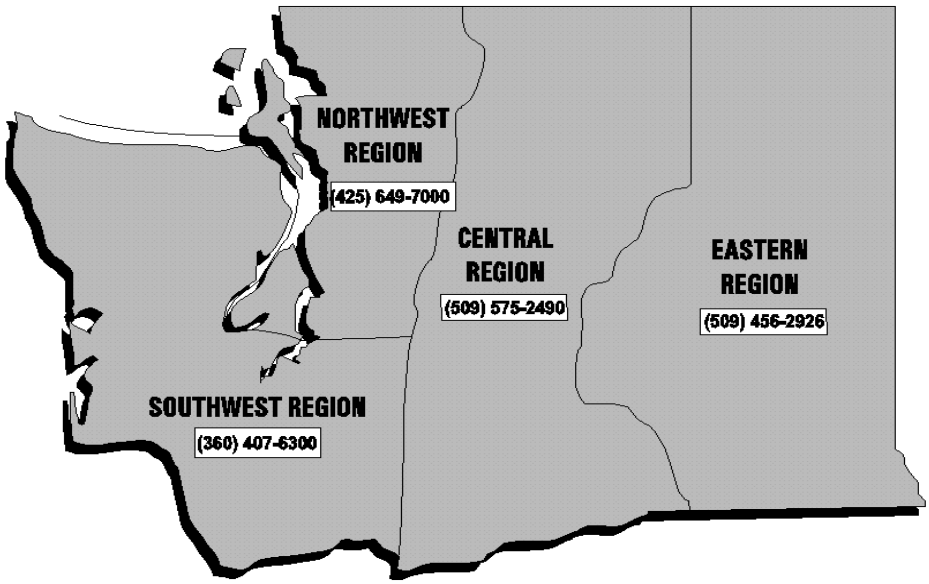

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Introduction

This report summarizes and compares compliance and enforcement data from the Washington State Department of Ecology's Hazardous Waste and Toxics Reduction Program (HWTR) in nine statistical graphs. The graphs were developed using historical data collected in the following HWTR databases: Resource Conservation & Recovery Act (RCRA Info), Hazardous Waste Information Management System (HWIMSY), and the HWTR penalty tracking system.

The HWTR databases allow staff to utilize compliance and enforcement data for tracking, measuring performance, and/or linking efforts.

- Tracking changes in the number of activities over time to review efficiency and discover opportunities that demonstrate success. For example, Chart 2 shows that the number of inspections have increased over time even though the number of compliance staff remained fairly constant during the same period.

- Linking activities with environmental results. For instance in Chart 5, the number of inspections is compared to the number of environmental problems that have been resolved.

- Refining technical assistance efforts based on frequency of serious violations. For example, Chart 4 shows that hazardous waste generators may benefit from increased outreach focused on designation and container management.

- Targeting staff efforts towards finding and resolving environmental threats and reducing the amount of time spent with businesses that manage wastes safely. Chart 3 exemplifies how inspectors have redirected their efforts to concentrate on "problem" facilities that have more environmental problems.

- Issuing enforcement actions to resolve non-compliant activity. Chart 6 compares the number of environmental threats to the amount of penalty dollars assessed. Chart 7 compares the number of penalties to the number of environmental threats discovered.

Conclusion

The nine graphs portray HWTR's clear commitment to resolving threats to the environment. The HWTR program's efforts are actively targeted towards finding and resolving these threats by utilizing compliance efforts, technical assistance or enforcement actions, including penalties. As a result of the targeting efforts, the Program has continued to increase the resolution of the serious problems over time. The HWTR program relies on charts like these to ensure that compliance and enforcement resources are used to solve environmental problems.

HWTR Compliance Data

Chart 1 — Number of generators by type (MQG and LQG) and year

Chart 2 — Number of compliance inspections by year

Chart 3 — Percent chance of finding an environmental threat during an inspection by year

Chart 4 — Number and types of environmental threats found by year

Chart 5 — Number of inspections completed and environmental threats resolved by year

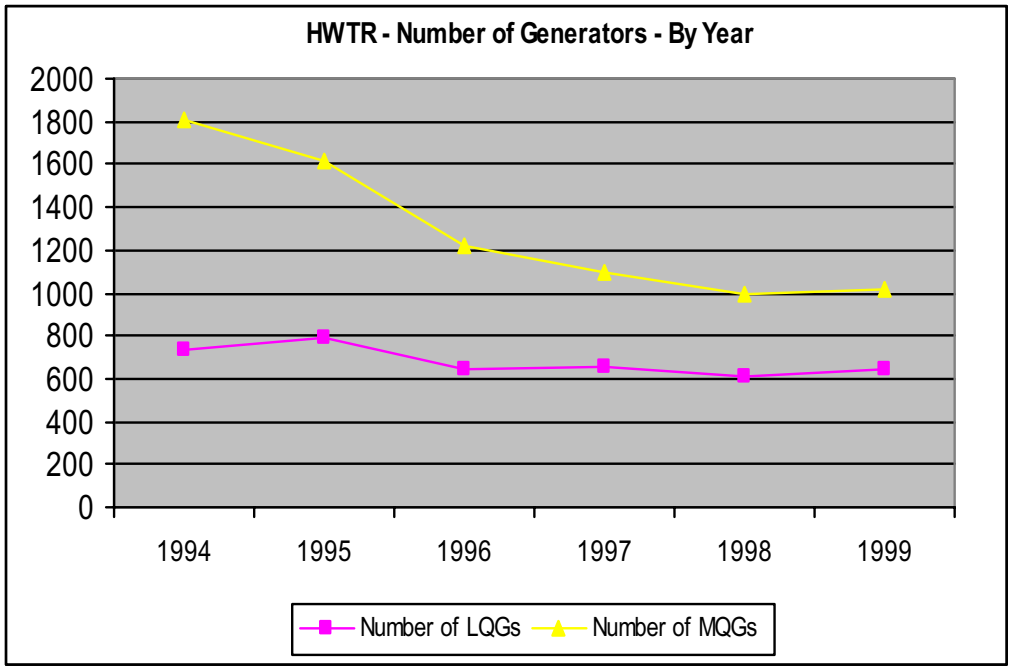
Chart 6 — Number of environmental threats compared to amount of penalty dollars assessed

Chart 7— Number of penalties compared to number of environmental threats

Chart 8 — Dollar amount of penalties assessed by year

Chart 9 — Average penalty amount by year

Chart 1



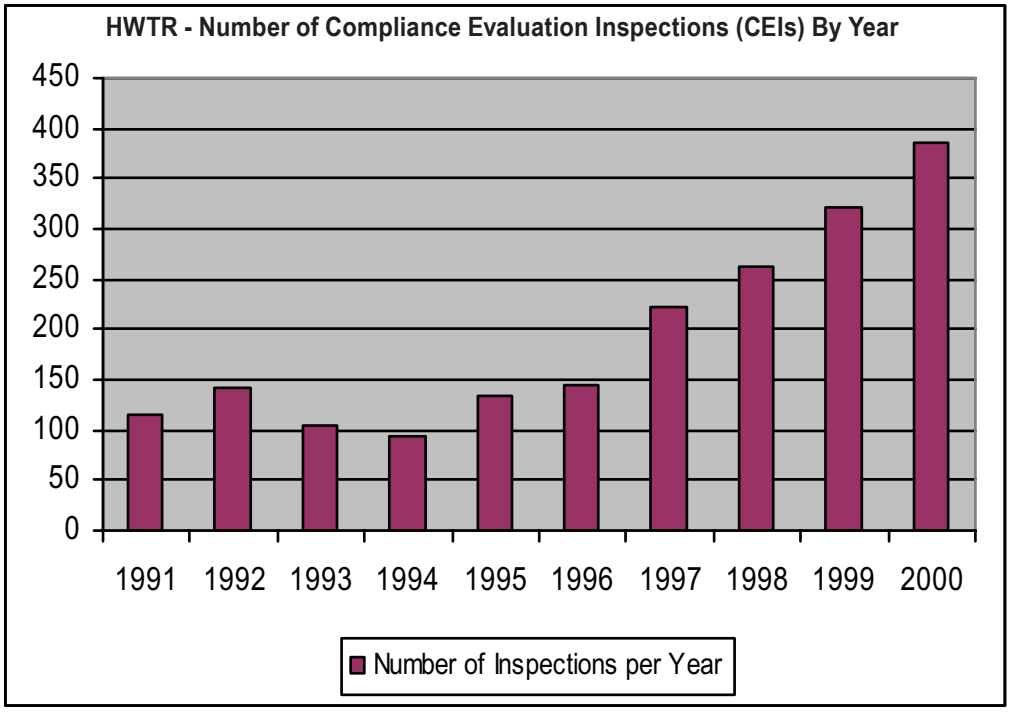
- The drop in number of generators is most likely due to:
  - Regulatory changes such as counting exemptions, the antifreeze exemption and other "state only" rule changes, and changing the small quantity generator (SQG) accumulation limit from 220 to 2,200 pounds.
  - Pollution prevention efforts such as using less toxic products, non-designating parts washer solvents, and closed-loop recycling.

- There are other incentives to drop below the medium quantity generator (MQG) level. SQGs are not required to have a RCRA identification number and have less regulatory oversight. SQGs are also able to participate in the local county moderate risk waste (MRW) programs, where hazardous waste disposal is provided at a reduced cost or free.

- It is interesting to note that the downward trend in number of generators has occurred at the same time that there has been significant growth within the business sectors most likely to produce hazardous waste (from Department of Revenue information on the education fee payers).

- Large quantity generators (LQGs) generate greater than 2,200 pounds of hazardous waste per month or batch; MQGs generate between 220 and 2,200 pounds of hazardous waste per month or batch. Well over 90 percent of the hazardous waste is generated by LQGs.

Chart 2



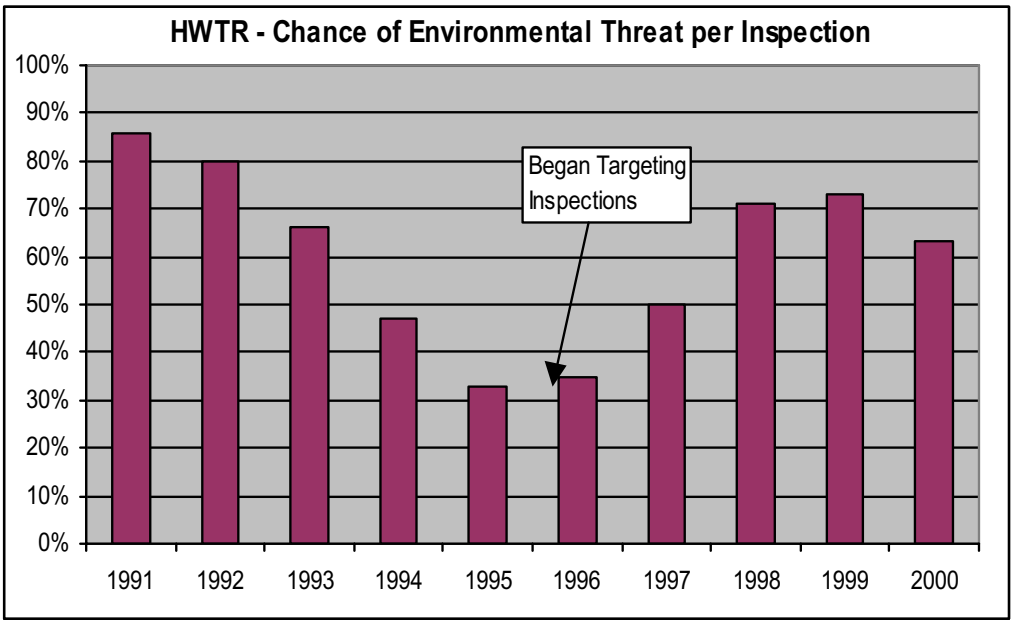
- The number of hazardous waste compliance inspections has increased by 334 percent since 1991.

- The HWTR program formed a total qualtity management (TQM) team beginning in 1995 and streamlined the entire inspection process (Inspectors in the Field Team). This team clarified the inspection process, developed and improved check-lists, and defined and accelerated the review process. Ecology also has a usable inspector's manual, which standardizes the inspection process and defines time lines.

- Technical assistance (TA) campaign visits such as "Shop Sweeps" and "Snap-shots" also helped to streamline the inspection process. Single-industry campaigns showed that inspections, whether TA or compliance, could be done with close to the same level of effort. (TA visit numbers are not included in this data. Only RCRA compliance evaluation inspections [CEIs] are counted)

- Except for about a 10 percent drop during the last five years, the number of full-time compliance staff has remained fairly steady.

Chart 3



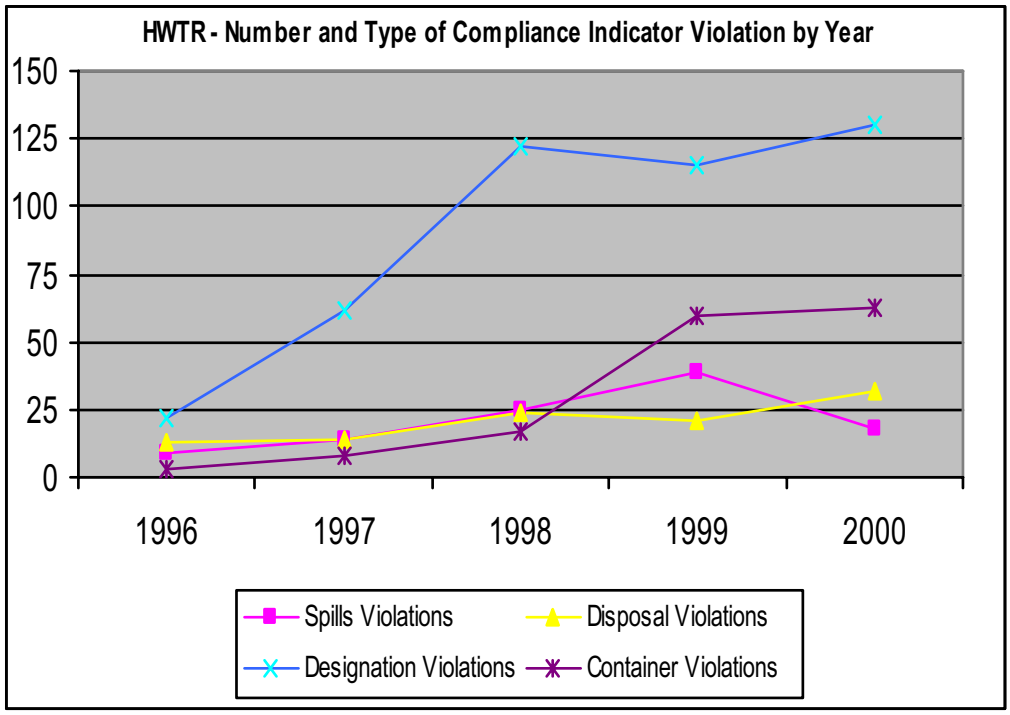
- Environmental threats are the WAC 173-303 violations associated with spills, illegal disposal, serious container problems, and failure to designate. These four violation areas make up "Compliance Indicator Violations" that represent near-term threats to the environment (no "paperwork" violations).

- In 1996, Ecology developed a "Hitting the High points" policy that focused on "Compliance Indicator Violations." Using this policy, compliance staff target efforts on finding and resolving environmental threats, and spend less time at businesses that are managing wastes safely.

- The "percent chance" in the chart above is produced by dividing the number of compliance indicator violations by the number of inspections and multiplying by 100.

- The HWTR program is currently working on a project, funded by EPA, that will provide data to determine a "baseline rate of compliance" for generators in Washington. The plan is to quantify the effectiveness of targeting and technical assistance efforts. The goal of this project is to give us baseline information for future performance measures that clearly link the work of the HWTR program with environmental outcomes.

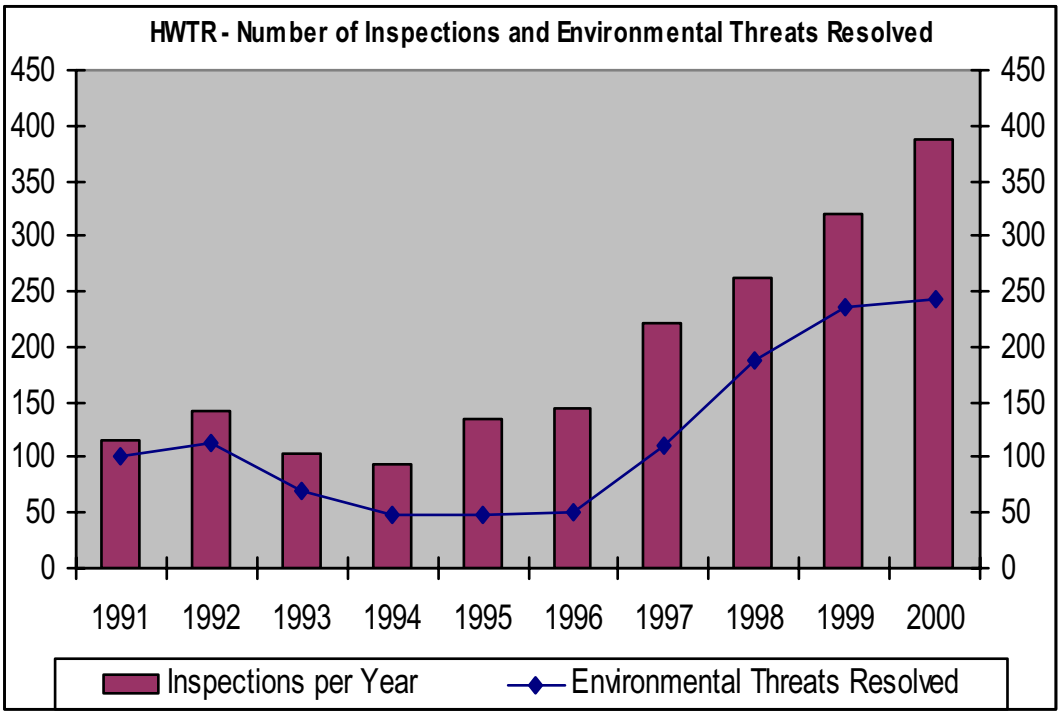
Chart 4



- Failure to designate is the most common "compliance indicator" violation. If the businesses do not know that they have hazardous waste, there is a very good chance they are not disposing of it properly.

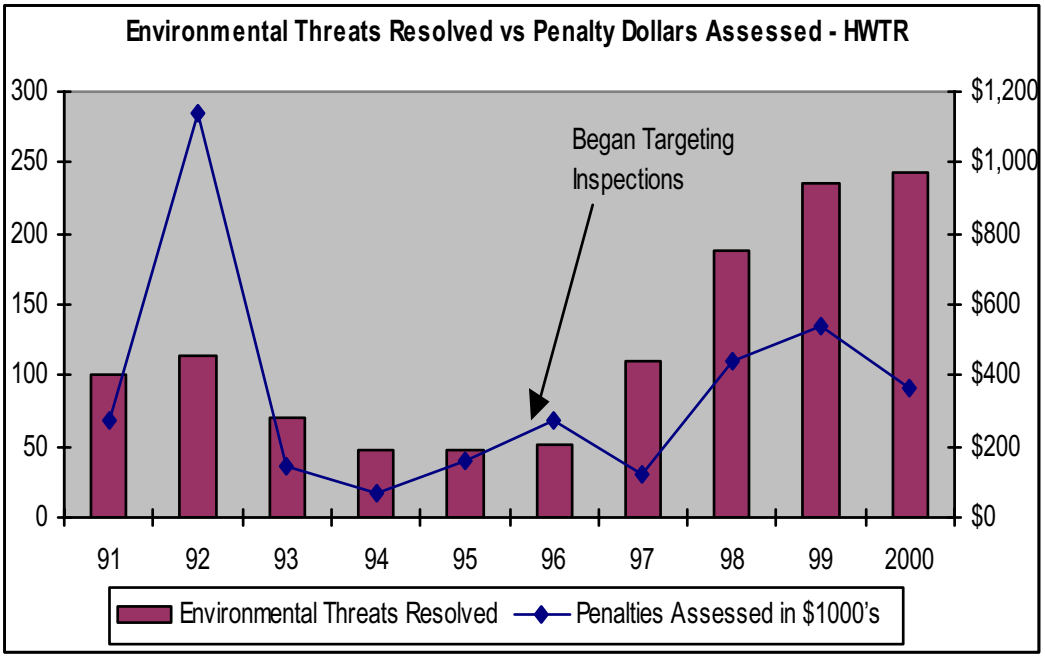
- This information, collected during compliance inspections, also helps us focus TA efforts. For example, this information shows that during Ecology's generator workshops, and other TA efforts, more emphasis on proper container management and designation maybe needed.

Chart 5



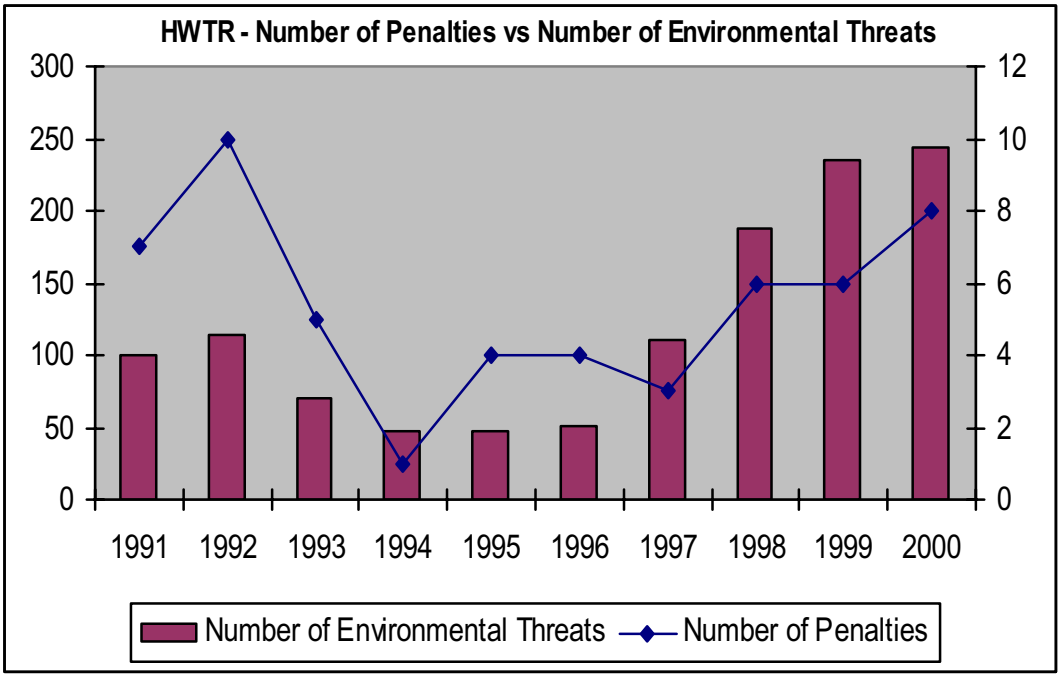
- The number of compliance inspections completed by HWTR employees has gone up 334 percent since 1991.
- The number of environmental threats resolved by HWTR employees has increased 243 percent since 1991 (Environmental threats = compliance indicator violations).
- The combination of increased field presence and targeted inspections ("Hitting the Highpoints") resulted in an increase in environmental threats resolved.
- Except for about a 10 percent drop during the last five years, the number of full-time compliance staff has remained fairly steady.

Chart 6



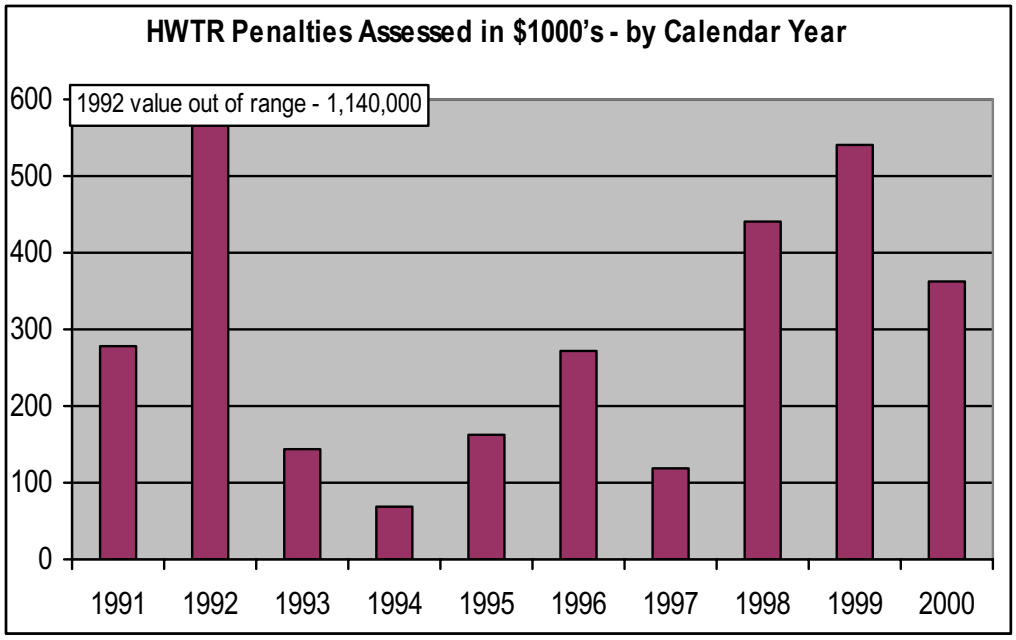
❖ The number of environmental threats resolved by HWTR staff correlates well with the amount of penalty dollars assessed, i.e. increased ability to find environmental threats leads to increased enforcement.

Chart 7



❖ The number of environmental threats found by HWTR staff correlates well with the number of penalties issued, i.e. increased ability to find environmental threats leads to increased enforcement.

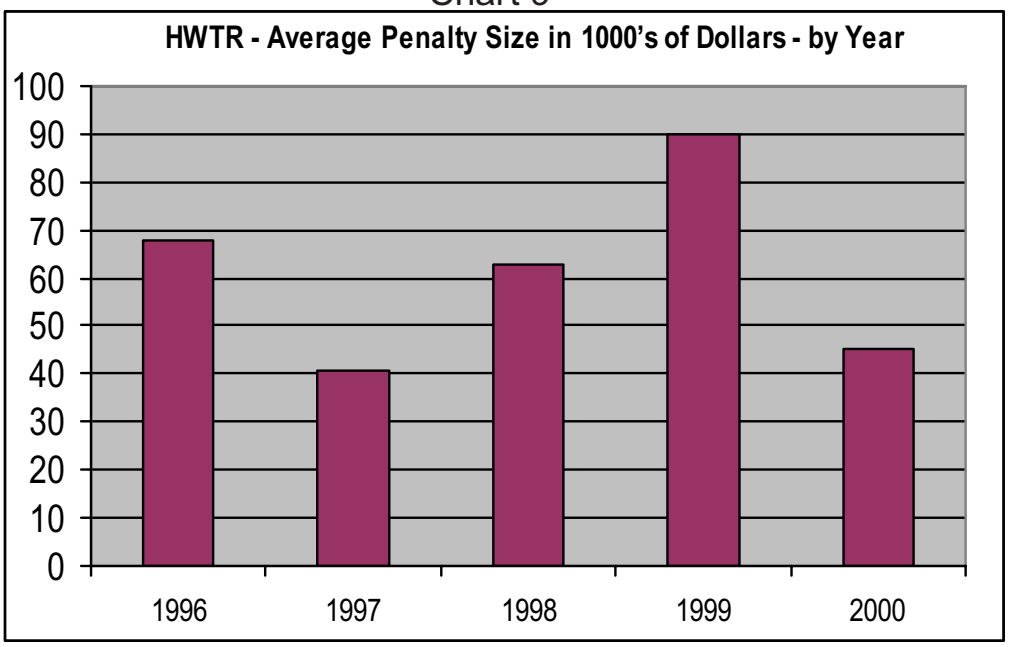
Chart 8



- From about 1993 through 1996, inspectors were moved away from compliance and enforcement activities and were focused more on technical assistance efforts.

- It is possible that the increased focus on technical assistance in the 1993 through 1996 period led to the higher levels of enforcement today. This has been accomplished by increasing the efficiency of the program and clarifying its focus on environmental threats, i.e. increased ability to find environmental threats leads to increased enforcement.

Chart 9



- HWTR penalties average about $50,000., the largest at the Department of Ecology.
- There appears to be a direct correlation between the financial health of a company and its compliance with the regulations. A significant percentage of penalties are issued to companies on the verge of, or in, bankruptcy, which reduces the chance of collection.
- HWTR has a zero percent re-offend rate since 1996 when the HWTR penalty-tracking system was initiated.